

TITLE 12. CONSERVATION AND NATURAL RESOURCES
CHAPTER 6. FOREST RESOURCES AND OTHER PLANT LIFE
ARTICLE 1. FOREST RESOURCES
PART 2. PRACTICE OF PROFESSIONAL FORESTRY

12-6-40. Legislative purpose

It is the purpose of this part to protect the public by improving the standards relative to the practice of professional forestry.

HISTORY: Ga. L. 1951, p. 581, § 1; Ga. L. 1959, p. 161, § 1.

12-6-41. Definitions.

As used in this part, the term:

- (1) “Board” means the State Board of Registration for Foresters provided for by this part.
- (2) “Professional forestry” or “practice of professional forestry” means any professional service relating to forestry, such as investigation, evaluation, development of forest management plans or responsible supervision of forest management, forest protection, silviculture, forest utilization, forest economics, or other forestry activities in connection with any public or private lands, provided that forestry instructional and educational activities shall be exempted. The board shall issue licenses only to those applicants who meet the requirements of the Code section, provided that no person shall be eligible for registration as a registered forester who is not of good character and reputation; provided, further, that employees of the state and federal governments assisting farmers in agricultural programs shall be exempt from this part.
- (3) “Registered forester” means a person who has registered and qualified under this part to engage in professional forestry practices as defined in this Code section.

12-6-42. State Board of Registration for Foresters – Creation; appointment of members; certificate of appointment; oath; term of office.

- (a) A State Board of Registration for Foresters is created whose duty it shall be to administer this part.
- (b) The board shall consist of five foresters who shall be selected and appointed by the Governor and who shall have the qualifications required by Code Section 12-6-43.
- (c) In addition to the five members provided for in subsection (b) of this Code section, the board shall consist of a sixth member who shall be appointed by the Governor from the public at large and who shall have no connection whatsoever with the practice of professional forestry. The initial term of appointment for the additional member provided

for by this subsection shall expire June 30, 1985; thereafter, the Governor shall appoint successors for terms of five years each.

- (d) Every member of the board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty.

- (e) The five members of the board shall be appointed for terms of five years. On the expiration of the term of any member of the board, the Governor shall in the manner provided in this Code section appoint for a term of five years a registered forester having the qualifications required by Code Section 12-6-43 to take the place of the member whose

term on the board is expiring. Each member shall hold office until the expiration of the term for which that member is appointed or until a successor shall have been duly appointed and shall have qualified.

HISTORY: Ga. L. 1951, p. 581, § 3; Ga. L. 1980, p. 54, § 1; Ga. L. 1988, p. 953, § 2; Ga. L. 1992, p. 6, § 12.

12-6-43. State Board of Registration for Foresters – Qualifications of members.

Each member of the board shall be a citizen of the United States and a resident of Georgia and shall have been engaged in the practice of forestry for at least ten years, provided that only the citizenship and residency requirements of this Code section shall apply to the member appointed pursuant to subsection (c) of Code Section 12-6-42.

HISTORY: Ga. L. 1951, p. 581, § 4; Ga. L. 1988, p. 953, § 3.

12-6-44. State Board of Registration for Foresters – Compensation of members.

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

HISTORY: Ga. L. 1951, p. 581, § 5.

12-6-45. State Board of Registration for Foresters – Removal of members; vacancies.

The Governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment only as provided in this part.

HISTORY: Ga. L. 1951, p. 581, § 6.

12-6-46. State Board of Registration for Foresters – Meetings; officers.

The board shall hold meetings as necessary. The board shall elect or appoint annually a chairman and a vice-chairmen. The division director of the Professional Licensing Boards Division shall serve as secretary of the board in the same manner as provided by Code Sections 43-1-1 and 43-1-2.

HISTORY: Ga. L. 1951, p. 581, § 7; Ga. L. 1988, p. 953, § 4; Ga. L. 2000, p. 1706, § 20; Ga. L. 2001, p. 4, § 12.

12-6-47. State Board of Registration for Foresters – Rules and regulations; seal.

- (a) The board shall have the power to promulgate rules and regulations, not inconsistent with the Constitution and Laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulation of the proceedings before it.
- (b) The board shall adopt and have an official seal.

HISTORY: Ga. L. 1951, p. 581, § 8; Ga. L. 1959, p. 161, § 3; Ga. L. 1988, p. 953, § 5.

12-6-48. State Board of Registration for Foresters – Record of proceedings.

The board shall keep a record of its proceedings. The records of the board shall be prima-facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

HISTORY: Ga. L. 1951, p. 581, § 10; Ga. L. 1988, p. 953, § 6.

12-6-49. Qualifications and requirements for registered foresters.

- (a) The minimum qualifications and requirements for registration as a registered forester shall be as follows:
 - (1) Graduation with a baccalaureate degree from a school, college, or department of forestry approved by the board, passage of a board approved examination after graduation, and a specific record of an additional two years' or more experience in forestry work of a character satisfactory to the board indicating that the applicant is competent to practice forestry. Such two years' experience need not be obtained on lands owned, leased, rented, or held by the applicant or by any person, corporation, agency, entity, or institution by which such applicant is employed, so long as the applicant works under supervision of a registered forester or under other supervision acceptable to the board; or
 - (2) Graduation from a school of forestry not approved by the board or completion of a curriculum approved by the board in which the applicant has acquired a minimum of 40 quarter hours' credit, or its equivalent, in forestry subjects, provided that such applicant may be licensed only after acquiring two years' experience of a character satisfactory to the board and under the supervision of a registered forester or under other supervision acceptable to the board, and only after passing a board approved examination; provided, however, that an applicant who graduates on or after July 1, 1993, from a school of forestry not approved by the board or who, on or after July 1, 1993, completes a curriculum approved by the board in which the applicant has acquired a minimum of 40 quarter hours' credit, or its equivalent, in forestry subjects, may be licensed only after completing three years' experience of a character satisfactory to the board and under the supervision of a registered forester or under other supervision acceptable to the board and only after passing a board approved examination.

- (b) The board shall issue licenses only to those applicants who meet the requirements of this Code section, provided that no person shall be eligible for registration as a registered forester who is not of good moral character and reputation.
- (c) It shall be the duty of the board by rule or regulation to define “supervision” and “experience” as used in this part, and in so doing the board shall consider and give effect to the directness, immediacy, scope, extent, quality, and constancy of such supervision, and, as to experience, the nature, quality, and extent thereof.

HISTORY: Ga. L. 1951, p. 581, § 12; Ga. L. 1959, p. 161, § 4; Ga. L. 1989, p. 352, § 1; Ga. L. 1993, p. 481, § 1.

12-6-49.1. Denial or suspension of license for noncompliance with child support order.

- (a) As used in this Code section, the term:
 - (1) “Agency” means the agency within the Department of Human Resources which is responsible for enforcing orders for child support pursuant to Article 1 of Chapter 11 of Title 19, the “Child Support Recovery Act.”
 - (2) “Compliance with an order for child support” means, as set forth in a court order, administrative order, or contempt order for child support, the obligor is not more than 60 calendar days in arrears in making payments in full for current support, periodic payments on a support arrearage, or periodic payments on a reimbursement for public assistance.
 - (3) “Proof of compliance” means the notice of release issued by the agency or a court of competent jurisdiction stating that the delinquent obligor is in compliance with an order for child support.
- (b) The board shall suspend, as provided for in Code Sections 19-6-28.1 and 19-11-9.3, the license of any registered forester upon receipt of a record from the agency or a court of competent jurisdiction stating that such licensee is not in compliance with an order for child support.
- (c) The board shall deny the application or renewal, as provided for in Code Sections 19-6-28.1 and 19-11-9.3, of any applicant or licensee upon receipt of a record that such applicant or licensee is not in compliance with an order for child support from the agency or court of competent jurisdiction.
- (d) Notwithstanding any other provisions of law, the hearings and appeals procedures provided for in Code Section 19-6-28.1 or 19-11-9.3, where applicable, shall be the only such procedures required to suspend a license or deny the issuance or renewal of an application for a license under this part.

HISTORY: Code 1981, § 12-6-49.1, enacted by Ga. L. 1996, p. 453, § 4.

12.6.49.2. Suspension of registered forester license; borrowers in default; hearing and appeal procedures.

- (a) As used in this Code section, the term:

- (1) “Agency” means the Georgia Higher Education Assistance Corporation created in Code Section 20-3-263 which is responsible for administering a program of guaranteed educational loans to eligible students and eligible parents known as the Georgia Higher Education Loan Program.
 - (2) “Borrower” means an individual who borrowed a guaranteed educational loan under the Georgia Higher Education Loan Program.
 - (3) “Default” means default as defined by federal law under the Higher Education Act of 1965.
 - (4) “Satisfactory repayment status” means the borrower has agreed to repay the defaulted loan to the agency and has made a payment in the most recent prior 60 days.
- (b) The board shall suspend, as provided for in Code Section 20-3-295, the license of any registered forester upon receipt of a record from the agency stating that such licensee is a borrower in default who is not in satisfactory repayment status.
- (c) The board shall deny the application for renewal, as provided for in Code Section 20-3-295, of any applicant or licensee upon receipt of a record from the agency stating that such licensee is a borrower in default who is not in satisfactory repayment status.
- (e) Notwithstanding any other provisions of law, the hearings and appeals procedures provided for in Code Section 20-3-295, where applicable, shall be the only such procedures required to suspend a license or deny the issuance or renewal of an application for a license under this part.

HISTORY: Code 1981, § 12-6-49.2, enacted by Ga. L. 1998, p. 1094, § 5.

12-6-50 Applications for registration; fee.

- (a) Applications for registration shall be made on forms prescribed and furnished by the board; shall contain statements made under oath, showing the applicant’s education and a detailed summary of the applicant’s technical work; and shall contain not fewer than five references, of whom three or more shall be registered foresters having personal or professional knowledge of the applicant’s forestry experience.
- (b) The registration fee for a license as a registered forester shall be an amount established by the board. Should the board deny the issuance of a license to any applicant, the initial fee deposited shall be retained by the board as an application fee.

HISTORY: Ga. L. 1951, p. 581, § 13; Ga. L. 1993, p. 481, § 2.

12-6-51 Examinations.

When written examinations are required, they shall be held at such time and place as the division director of the Professional Licensing Boards Division shall determine. The methods of procedure shall be prescribed by the division director of the state examining boards. A candidate failing on examination may apply for reexamination in the manner provided for by the division

director of the Professional Licensing Boards Division. Subsequent examination will be granted upon payment of a fee to be determined by the board.

HISTORY: Ga. L. 1951, p. 581, § 14; Ga. L. 2000, p. 1706, § 20; Ga. L. 2001, p. 4, § 12.

12-6-52 Licenses – Issuance generally; endorsement by registrant of plans, maps, specifications, and reports issued by registrant.

The board shall issue a license upon payment of a registration fee as provided for in this part to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this part. The issuance of a license by the board shall be evidence that the person named therein is entitled to all the rights and privileges of a registered forester while the license remains unrevoked or unexpired. Plans, maps, specifications, and reports issued by a registrant shall be endorsed with his name and license number during the life of the registrant's license.

HISTORY: Ga. L. 1951, p. 581, § 15; Ga. L. 1988, p. 953, § 7.

12-6-53 Licenses – Eligibility of foresters with 12 years' experience.

Repealed.

12-6-54 Licenses – Reciprocity for nonresidents.

- (a) Any person who is licensed as a registered forester under the laws of another state may be licensed and registered under the laws of Georgia by reciprocity without having to qualify under the other provisions of this part, subject to the following conditions:
 - (1) That the requirements and qualifications for licensing and registration under the laws of the state in which such person is licensed are substantially equivalent to those of Georgia, such substantial equivalency to be determined by the board; and
 - (2) That such state permits licensing of foresters registered in Georgia on terms substantially equivalent to those of this Code section, such substantial equivalency to be determined by the board.
- (b) Notwithstanding the foregoing provisions of this Code section, the board may decline to license by reciprocity any person on an individual basis where the board determines that such applicant does not possess good character or has been guilty of fraud in making application under the laws of Georgia or of any other state, or where the board determines by examination or otherwise that such applicant is not in fact qualified to become licensed as a registered forester.
- (c) Any person desiring to become registered under this Code section shall make application under oath on blanks to be furnished by the board, shall accompany such application with the same fee required for licensing and registration under Code Section 12-6-50, and shall cause to be sent to the board a certificate from the proper authority of the state under which such person is already registered certifying thereto.

- (d) Any license issued under this Code section shall be subject to all provisions of this part governing expiration, renewal, renewal fees, revocation, and any and all other provisions of law governing or relating to registered foresters.

HISTORY: Ga. L. 1951, p. 581, § 18; Ga. L. 1959, p. 161, § 6; Ga. L. 1982, p. 3, § 12; Ga. L. 1993, p. 481, § 3.

12-6-55 Licenses – Only individuals may be licensed.

Registration shall be determined upon a basis of individual personal qualifications. No firm, company, partnership, or corporation can be licensed.

HISTORY: Ga. L. 1951, p. 581, § 17.

12-6-56 Licenses – Expiration and renewal generally; continuing for forestry education requirement.

- (a) Licenses shall be valid for up to two years and shall be renewable biennially on the renewal date established by the division director of the Professional Licensing Boards Division.
- (b) The board shall require persons who are licensed under this part to complete not less than six hours and not more than 20 hours of continuing forestry education as a condition of license renewal. The board shall be authorized to approve continuing forestry education courses offered by professional organizations, institutions of higher learning, qualified individuals, or specialty societies. In addition, the board shall be authorized to approve credit for meetings, presentations, or other activities considered by the board to be a form of continuing education.
- (c) The board shall be authorized to waive the continuing forestry education requirement in cases of hardship or illness.
- (d) The board shall be authorized to promulgate rules and regulations to ensure compliance with the requirements of the Code section.

HISTORY: Ga. L. 1951, p. 581, § 16; Ga. L. 1956, p. 691, § 2; Ga. L. 1957, p. 169, § 1; Ga. L. 1958, p. 656, § 1; Ga. L. 1989, p. 352, § 2; Ga. L. 2000, p. 1706, § 20.

12-6-57 State Board of Registration for Foresters – Denial or revocation of license; discipline of licensee; code of ethics.

The board shall have the authority to refuse to grant a license to an applicant, to revoke the license of a person licensed by the board, or to discipline a person licensed by the board upon a finding by a majority of the board that the licensee or applicant has violated the provisions of Code Section 43-1-19. The board shall have the authority to adopt, by regulation, a code of professional ethics for foresters and thereby define unethical conduct or practice by applicants or licensees of the board for purposes of Code Section 43-1-19.

HISTORY: Ga. L. 1951, p. 581, § 19; Ga. L. 1988, p. 953, § 9; Ga. L. 1998, p. 183, § 1.

12-6-58 State Board of Registration for Foresters – Duplicate license for lost, destroyed, or mutilated license.

A duplicate license to replace any lost, destroyed, or mutilated license may be issued, subject to the rules of the board, upon payment of a fee established by the board.

HISTORY: Ga. L. 1964, p. 409, § 1; Ga. L. 1988, p. 953, § 10.

12-6-59 Receipts and disbursements.

Repealed.

12-6-60 Injunctive relief.

In addition to any other remedy or criminal prosecution, whenever it shall appear to the board that any person, firm, company, partnership, association, or corporation, or their agents, officers, or directors, is or has been holding himself, itself, or themselves out to the public as a registered forester when not so registered, the board may, on its own motion or on the verified complaint in writing of any person, file an equitable petition in its own name in the superior court in any county of this state having jurisdiction of the parties, alleging the facts and praying for a temporary restraining order, a temporary injunction, or a permanent injunction against such person, firm, company, partnership, association, or corporation, or their agents, officers, and directors, restraining him, it, or them from violating such law. Upon proof of the facts as alleged, the court shall issue such restraining order, temporary injunction, or a permanent injunction without requiring allegation or proof that the petitioner therefor has no adequate remedy at law.

HISTORY: Ga. L. 1964, p. 409, § 3.

12-6-61 Prohibited acts.

- (a) No person shall use in connection with his name or otherwise assume, use, or advertise any title or description tending directly or indirectly to convey the impression that he is a registered forester without first having been licensed and registered as a registered forester as provided in this part.
- (b) Except as specifically authorized under this part, no person shall engage in the practice of professional forestry, as defined in this part, or in any manner advertise or hold himself out as engaged in such practice without first being licensed as a registered forester under this part.
- (c) Notwithstanding subsection (b) of this Code section or any other provisions of this part, nothing in this part shall be construed as preventing or prohibiting any person from managing or otherwise conducting forestry practices on land owned, leased, rented, or held by such person; nor shall anything in this part prohibit any regular employee or official of any person, corporation, agency, institution, or other entity from engaging in professional or other forestry practices on lands owned, leased, rented, or held by such person, corporation, agency, or other entity; nor shall anything in this part prohibit any graduate of

a school of forestry from practicing forestry under supervision as authorized in code Section 12-6-49 so as to qualify for licensing as provided in that Code section.

HISTORY: Ga. L. 1951, p. 581, § 1; Ga. L. 1959, p. 161, § 1.

12-6-62 Penalty; authority to prefer charges; immunity of person bringing charges from liability; duty to enforce part; legal assistance by Attorney General.

- (a) Any person, firm, or partnership violating any provision of this part shall be guilty of a misdemeanor.
- (b) Any person who:
 - (1) Refuses upon request to surrender to the board or any duly authorized agent thereof any license held by such person;
 - (2) Presents or attempts to use as his own the license of another;
 - (3) Gives any false or forged evidence of any kind to the board or any member thereof in obtaining a license;
 - (4) Attempts to use an expired or revoked license; or
 - (5) Endorses any documents with his name and license number as provided in Code Section 12-6-52 after the license of the registrant named thereon has expired or has been revoked, unless the license has been renewed or reissued, shall be guilty of a misdemeanor.
- (c) Any registered forester who endorses any plan, specification, estimate, or map without having actually prepared such plan, specification, estimate, or map or without having been in the actual charge of the preparation thereof shall be guilty of a misdemeanor.
- (d) The board or such person or persons as may be designated by the board to act in its stead is empowered to prefer charges for any of the violations of this part in any court of competent jurisdiction. Where reasonable ground existed to believe or suspect the guilt of the accused, such person bringing charges shall be immune from liability in damages or otherwise, notwithstanding that the accused was acquitted thereof.
- (e) It shall be the duty of all duly constituted officers of the law of this state or of any political subdivision thereof to enforce the provisions of this part and to prosecute any persons, firms, or partnerships violating the same. The Attorney General of the state and his assistants shall act as legal advisor to the board and render such legal assistance as may be necessary in carrying out this part.

HISTORY: Ga. L. 1951, p. 581, §§ 15, 20; Ga. L. 1959, p. 161, § 5.

12-6-63 Termination.

Repealed.

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